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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: A8507

Amrish K. LAL

Appln. No.: 10/078,419

Group Art Unit: 2145

Confirmation No.: 6092

Examiner: Ajay M. BHATIA

Filed: February 21, 2002

For: PROTOCOL TO FIX BROKEN LINKS ON THE WORLD WIDE WEB

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated October 31, 2006. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-30 are all the claims pending in the present application and of these claims 1, 4, 10, 14, 15, 22, 28, and 29 are independent claims.

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Glass et al. (U.S. Patent 6,253,204, hereinafter “Glass”) in view of Laiho et al. (PCT/F100/00074 or WO 00/46696, hereinafter “Laiho”).

The rejection of each of these pending claims is being appealed.

REPLY BRIEF UNDER 37 C.F.R. § 41.41
U.S. Appln. No.: 10/078,419

Attorney Docket No. A8507

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether or not claims 1-30 are rendered unpatentable under 35 U.S.C. § 103(e) over
Glass in view of Laiho.

ARGUMENT

Appellant submits the following in response to the Examiner's comments that begin on page 13 of the Examiner's Answer.

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Glass in view of Laiho.

1. Claims 1-9, 13-14 and 30

Claim 1

Claim 1 recites a link checking service unit associated with a first group of resources and configured for determining if a location of a resource among the first group of resources has changed. In the September 18, 2006 Appeal Brief (hereinafter the "Appeal Brief"), Appellant has argued that the "file not found" message in Glass does not teach or suggest the claim limitation of determining if a location of a resource among the first group of resources has changed, because the "file not found" message could be returned for many different reasons. For example, when the server hosting the file is temporarily down, a "file not found" message is returned; or when the network traffic is heavy and the requesting site fails to retrieve the file within the time limit set by a timer, a "file not found" message also is returned.

The Examiner asserts that Appellant's arguments contain a fallacy because the claim limitation uses "comprising," which does not limit the operation of the system to only correcting links of a system where the file has been moved.

Appellant respectfully submits that the Examiner has incorrectly interpreted the use of “comprising” in claim 1. The word comprising applies to a system for correcting links to resources in a network described in claim 1. Therefore, the claimed system includes, but is not limited to (because of the word comprising) a system having only a link checking service unit and a link correction service unit. However, use of the transition term “comprising” does not give the Examiner license to ignore limitations in the claims. Claim 1 clearly recites a link checking service unit associated with a first group of resources and configured for determining if a location of a resource among the first group of resources has changed. Regardless of whether systems that correct broken links not caused by a location change of a resource fall within the scope of the claims, the link checking service unit recited in claim 1 must determine if a location of a resource has changed.

On the contrary, the “file not found” message in Glass, is the only flag for many possible conditions, such as heavy network traffic, a host server temporarily being down or file being moved. Accordingly, one cannot determine whether the “file not found” message is caused by a location change of the file, or by numerous conditions other than location change of the file, such as the host server of the file being temporarily down. Therefore, Glass fails to teach or suggest a link checking service unit associated with a first group of resources and configured for determining if a location of a resource among the first group of resources has changed, as recited in claim 1.

The Examiner then asserts that Appellant describes in the summary of the invention that the present invention is directed to correcting a broken link, and Glass discloses identifying

broken links. The Examiner further asserts that the “file not found” message of Glass indicates several conditions, such as the file not being able to be retrieved within time, the system not operating at time of connection, or the file not being at the correct location, and that these would all be reasons why a link is broken.

Appellant respectfully submits that the Examiner’s assertion is not a reason for rejecting the claims because the scope of the invention is defined by the claims, not by the summary of the invention. Regardless of whether the present invention includes fixing broken links not caused by a location change of a resource, claim 1 requires that the link checking service unit determines if a location of a resource among the first group of resources has changed. For the reasons discussed above, this feature is not taught or suggested by Glass.

With regard to the deficiencies of Laiho, Appellant argued in the Appeal Brief that Laiho does not teach determining whether a location of a resource among the first group of resources has changed because whether or not a new URL is supplied does not indicate whether the location has changed. Appellant maintains the same position.

The Examiner contends that Laiho teaches that a link is not valid if the link addresses an item that has moved. The Examiner relies upon the excerpt in page 7, which states that the “URL points to a location on the network server which is no longer valid, i.e., because the web page previously maintained at that location has been moved to a new location.”

Appellant respectfully disagrees. Detailed descriptions of Laiho can be found in the Appeal Brief at page 15. The Examiner has overlooked the fact that in Laiho, in order to identify an invalid URL due to a change of location, as mentioned in the excerpt relied upon, the new

location must be known. When the new location of a file is known, the host server will respond to the requesting client by returning the file at its new location and a correction message with the new URL to the client. However, if the requesting client receives a correction message that does not contain a new URL, the requesting client is able only to determine that the URL is invalid, but the requesting client is not able to determine whether the invalid URL is caused by a location change of the requested file. For example, a URL containing a typographic error in the file name and a URL pointing to a file that has been moved to an unknown location will both result in a correction message without a new URL returned to the requesting client. From such a correction message without a new URL, the requesting client is unable to determine if the file requested has moved. Therefore, Laiho fails to remedy the deficiencies of Glass with respect to claim 1.

With regard to lack of motivation to combine the cited references, Appellant argued in the Appeal Brief that Glass and Laiho provide divergent solutions to the problem of broken links, and therefore it would not have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the two references. Appellant maintains the same position.

The Examiner contends that since the object of both of the cited references is to correct or resolve broken links, there is motivation to combine the cited references.

Appellant submits that even assuming the teaching of the cited references can be combined, it does not mean that it would have been obvious to combine the teachings of the references. The solutions of Glass and Laiho are very different, and a person of ordinary skill in the art would not have been motivated to combine the solutions. Appellant submits that the

reasons why a personal of ordinary skill in the art would have not combined the teachings are spelled out clearly in the Appeal Brief at the paragraph bridging pages 18 and 19.

In addition to the reasons previously submitted, Appellant further argues that modifying Glass with Laiho would render Glass unsatisfactory for its intended purpose. Glass modifies display of a previously-valid link as broken if a “file not found” message is returned, and modifies display of a previously-broken link as valid if such link is healed. In other words, Glass provides current information on the status of links contained in a document to a user. Laiho teaches that, if the URL is not current, the client’s browser would be automatically redirected to a corrected URL if there is one, and that the client’s browser would receive a correction message with the corrected URL. Laiho, page 8, second full paragraph. When the same URL is accessed subsequently, the client’s browser is automatically redirected to the corrected URL based on the information provided in the correction message. *Id.*

If Glass is modified by Laiho, when a user clicks on a URL, for example, URL A, contained in a document, which is not current, but has been associated with a correction message that has a corresponding URL B1, the client’s browser is automatically redirected to the corresponding URL B1. If URL B1 is broken after being associated with URL A, the client browser would receive a “file not found” message and would modify the display of URL A as broken when URL A is accessed. Therefore, instead of providing current information on the status of URL A contained in the document, as taught in the original Glass, the modified Glass would provide current information on the status of the redirected link URL B1.

This might not matter much if the status of URL A and URL B1 is the same. However, if the status of URL A and URL B1 is different, the modified system renders the intended purpose of Glass, which is to provide current information of links contained in a document, i.e. URL A, unsatisfactory. For example, if URL A, previously being broken and associated with broken URL B1, has subsequently been associated with a valid URL B2, URL A is healed. However, if Glass is modified by Laiho, when URL A is subsequently accessed, the client's browser would be automatically directed to the invalid URL B1 according to the teachings of Laiho, and the display of URL A as a broken link would not change even though URL A has been healed by being newly associated with a valid URL B2. Since modifying Glass with Laiho renders Glass unsatisfactory for its intended purpose, it would not have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the two references.

Claims 2-9, 13-14 and 30

Claims 2-3 are patentable at least because of their dependency from claim 1.

Claims 4-9, 13-14 and 30 are patentable at least for reasons analogous to these discussed above for claim 1 because these claims include elements that are analogous to claim 1 and are not taught by the combination of Glass and Laiho.

Finally, claims 4, 13 and 14 are patentable for the additional reasons provided in the Appeal Brief at page 9, second full paragraph, to which the Examiner provided no rebuttal in the Examiner's Answer.

2. Claims 10 and 12

Claim 10

With regard to claim 10, the claim recites a document repository having stored therein one or more documents; and a corrected document repository having stored therein one or more corrected documents.

The Examiner contends that the present claim limitation does not address if the files are the same in both repositories or if the event referred to the same subject matter, or if they are even different repositories. Examiner's Answer, page 16, second full paragraph.

Claim 10 clearly recites that documents are stored in the document repository and corrected documents are stored in the corrected document repository. Even though the Examiner should interpret the claim as broadly as reasonably possible, such a broad interpretation must not contradict the clear meaning of the claim limitation. The Examiner's interpretation that a document repository and a corrected document repository are the same repository contradicts the clear claim recitation of two separate repositories.

Neither Glass nor Laiho teaches or suggests storing documents and corrected documents in their respective repositories. Therefore, claim 10 is patentable at least for the above reasons.

Claims 11-12

Claims 11-12 are patentable at least because of their dependency from claim 10.

3. Claims 15 -29

Claims 15-29 are patentable at least because there is no motivation to combine Glass and Laiho. The reasons are analogous to those submitted for claim 1.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: January 3, 2007